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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
6–30 August 2018
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined twentieth to twenty-third periodic reports of Mauritius

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 2, 4 and 6–7)

2. Steps taken to domesticate the Convention in the State party's legal order. Information on court cases in which the rights protected under the Convention were invoked before, or applied by, domestic courts (CERD/C/MUS/CO/15-19, para. 9; CERD/C/MUS/20-23, para. 2).

3. Information on measures taken in the context of implementing the National Human Rights Action Plan (2012–2020) aimed at the elimination of racial discrimination and their impact thereon (CERD/C/MUS/CO/15-19, para. 9; HRI/CORE/MUS/2016, paras. 50–52).

4. Update on measures taken to revise the Equal Opportunities Act with a view to including "language" among the protected grounds of discrimination (CERD/C/MUS/CO/15-19, para. 10).

5. Information on measures taken to strengthen the independence of the National Human Rights Commission, and especially measures related to the appointment and security of tenure of Commissioners. Detailed information on the activities undertaken by the Commission and their impact on the elimination of racial discrimination (CERD/C/MUS/20-23, paras. 143–144 and 147–148).

6. Information on measures taken to reconsider the constitutional classification of the various components of the State party's population, in the light of the self-identification principle (CERD/C/MUS/CO/15-19, para. 15).

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7. Information on steps taken to introduce special measures aimed at accelerating the achievement of equal enjoyment of human rights by disadvantaged groups protected under the Convention (CERD/C/MUS/CO/15-19, para. 14; CERD/C/MUS/20-23, para. 123).

Complaints of racial discrimination (art. 4)

8. Measures taken to raise public awareness of, and strengthen public confidence in, the existing non-judicial channels for submitting complaints of racial discrimination, including the Ombudsman, the Equal Opportunities Commission, and the National Human Rights Commission, and the impact of such measures. Detailed statistical data on such complaints and their outcomes, including disciplinary measures handed down and remedies provided to victims (CERD/C/MUS/CO/15-19, paras. 12–13; CERD/C/MUS/20-23, paras. 16–23 and 135–136).

9. Information on measures taken to implement provisions of the Criminal Code, including article 282, that prohibit incitement to racial hatred and other acts listed in article 4 of the Convention (CERD/C/MUS/CO/15-19, para. 11; CERD/C/MUS/20-23, paras. 4 and 10).

Racist hate speech (art. 4)

10. Measures adopted to prevent and investigate incidents of hate speech, including by politicians and other public figures, against specific ethnicities or minorities, notably the Creoles.

Situation of minority groups (arts. 2–7)

11. Information on measures taken to improve the living standard of the Creoles, including those residing on Rodrigues Island, many of whom live in poverty and lack access to basic services. Information on the impact of measures taken to increase Creole's access to education, housing and employment, such as the Government Programme 2015–2019, the National Housing Programme for the period 2015–2019, and the *Zone d'Education Prioritaire* (Priority Education Area) project, launched in 2003 (CERD/C/MUS/CO/15-19, para. 19; CERD/C/MUS/20-23, paras. 95–107 and 117–119).

12. Information on steps taken to achieve more balanced political participation and representation of all ethnic groups present in the State party, in the context of the ongoing electoral reform process (CERD/C/MUS/CO/15-19, para. 18; CERD/C/MUS/20-23, paras. 51–55).

13. Information on steps taken to improve the living conditions of the Chagossians, who were forcibly displaced from Diego Garcia and other islands of the Chagos Archipelago to the island of Mauritius (CERD/C/MUS/CO/15-19, para. 21; CERD/C/MUS/20-23, paras. 65–71).

14. Updated information on progress achieved in implementing the recommendations made by the Truth and Justice Commission in 2011, and on measures taken to ensure the genuine participation of the concerned communities (CERD/C/MUS/CO/15-19, para. 16; CERD/C/MUS/20-23, paras. 121–123).

15. Information on steps taken to officialize and preserve the Creole language, including through the education system (CERD/C/MUS/CO/15-19, para. 20; CERD/C/MUS/20-23, paras. 139–140).

Situation of migrants, asylum seekers and refugees (arts. 5 and 7)

16. Information on measures adopted to extend the protection against discrimination in respect to access to employment provided for in the 2008 Equal Opportunities Act to domestic workers, who are particularly vulnerable to discrimination (CERD/C/MUS/20-23, paras. 6 and 90–92).

17. Information on measures taken to improve the working conditions of migrant workers, including domestic workers, to prevent their exploitation, including through effective labour inspections in sectors that employ those workers, and to hold abusive

employers accountable (CERD/C/MUS/CO/15-19, para. 22; CERD/C/MUS/20-23, paras. 90–92).

18. Information on measures taken to more effectively address trafficking in persons, including of migrants, for the purposes of sexual and labour exploitation, which reportedly persists in the State party. Information on the implementation of the Combating of Trafficking in Persons Act (2009) and other relevant legislation, notably disaggregated data on related investigations, prosecutions and outcomes of relevant court cases, including sentences handed down to perpetrators and remedies provided to victims (CERD/C/MUS/20-23, para. 142).

19. Information on measures taken to develop and implement a legal framework for protection against refoulement, in accordance with international standards. Updated information on the situation of persons in need of international protection, including their access to basic services and protection against refoulement (CERD/C/MUS/20-23, paras. 37–46).

Human rights education and training (art. 7)

20. Efforts to assess the impact of human rights, including the rights protected under the Convention, training programmes provided to police and other law enforcement officials. Information on human rights training and education programmes implemented, including in schools, to foster reconciliation, inclusiveness and understanding (CERD/C/MUS/20-23, paras. 137–139 and 141–148).